

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ARTHUR McELROY,)	
)	
Plaintiff,)	4:06cv3178
)	
vs.)	MEMORANDUM AND ORDER
)	
)	
BANC OF AMERICA INVESTMENT)	
SERVICES,)	
)	
Defendant.)	

This matter is before the court on Filing No. 18, the Motion to Compel Defendant to Answer Each of Plaintiff's Interrogatories, filed by the plaintiff, Arthur McElroy. In a Memorandum and Order entered on April 25, 2007 (Filing No. 19), the court gave the defendant, Banc of America Investment Services, thirty (30) days to file with the court and serve on the plaintiff the agreement which the defendant contends the plaintiff signed agreeing to arbitrate disputes of the kind presented in this case. Until production of the signed agreement to arbitrate, the court has taken under advisement Filing No. 12, the defendant's Motion to Dismiss or in the Alternative to Compel Arbitration, and Filing No. 16, the plaintiff's Motion to Deny Defendant's Motion to Dismiss or in the Alternative to Compel Arbitration.

At this time, the court also takes under advisement Filing No. 18, the plaintiff's Motion to Compel, until after the question of the plaintiff's obligation to arbitrate this dispute has been resolved. The defendant shall not be required to respond to discovery in advance of this court's decision on the pending Motion to Dismiss (Filing No. 16).

SO ORDERED.

DATED this 9th day of May, 2007.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge